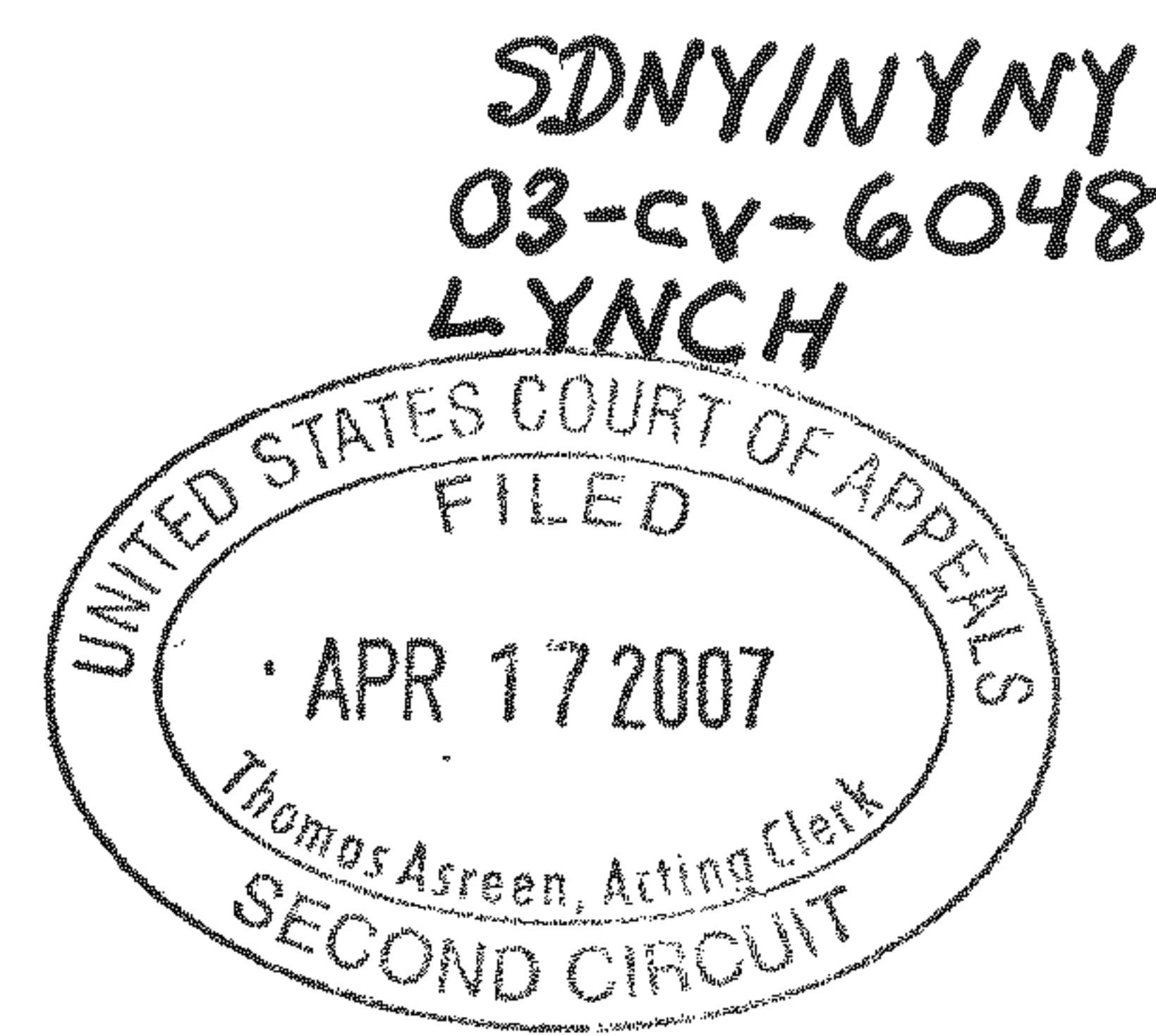


MANDATE

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT



CHAN

Docket No. 07-0792-cv

v.

TRIPLE 8 PALACE

STIPULATION WITHDRAWING PREMATURE APPEAL

It appearing that the above appeal is premature because some claims are still pending in District Court, i.e., ~~plaintiffs' claim for pre-judgment interest has not yet been adjudicated, and no separate judgment has been entered~~, FRCP 54(b), and no certification has been granted, WHEREFORE,

The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. This stipulation shall not preclude any appeal from a final judgment, i.e., adjudicating all the claims and the rights and liabilities of all the parties.

Daniel A. Hochheiser/JAS

Attorney for Appellant

*Daniel A. Hochheiser,
Hochheiser & Hochheiser, LLP*

M.S.C. Attorney for Appellee

Mark S. Cheffo

4 Times Square

Counsel: Please print
name and firm under
signature.

Dated:

SO ORDERED:

FOR THE COURT

Thomas Asreen, Acting Clerk

By

Stanley A. Bass
Stanley A. Bass, Staff Counsel

April 13, 2007

A TRUE COPY
Thomas W. Asreen, Acting Clerk

by *Tommy Martinez*
DEPUTY CLERK

CERTIFIED:

4-17-07